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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/759,628 | 01/15/2004 | Steven F. Mastoris | 100201138-2 | 1210 |

7590 01/05/2006

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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| EXAMINER |
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FIGUEROA, FELIX O

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| ART UNIT | PAPER NUMBER |
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2833

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 10/759,628 | Applicant(s) MASTORIS ET AL. | |
| | Examiner Felix O. Figueroa | Art Unit 2833 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-40 and 45-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32-36, 38, 39 and 47 is/are allowed.
- 6) ☒ Claim(s) 37, 40, 45, 46, 48 and 49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of a telephonic communication with Steven Nichols' assistant, it is noted that the previous Office action should have been a non-final action. Accordingly, this final Office action is issued in response to the amendment filed October 13, 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37, 40, 45, 46, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lwee et al. (US 5,106,313) in view of Seong (US 5,242,311).

Lwee discloses a protective cover comprising: at least one connector (at 50) for receiving pins of a pin connector of a backplane, wherein the connector is not electrically connected to a circuit board or circuit elements; a handle (52) extending from the at least one connector for installing or removing the cover; and clips (on each side, see Fig.3) extending from the cove for clipping the cover to the pin connector. Lwee discloses substantially the claimed invention except for the receptacles. Seong teaches a cover (16) having receptacles (30) that are not electrically connected to a circuit board or circuit elements. This structure ensures correct alignment and prevents tampering of the pins. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connector of Lwee with receptacles, as taught by Seong, to ensure correct alignment and prevent tampering of the pins.

Regarding claim 40, it would have been obvious to one of ordinary skill in the art at the time the invention was made form the receptacles arranged in conformance with one of various known standards, such as a CPCI standard.

Regarding claim 45, Lwee discloses a protective cover comprising: at least one connector (at 50) for receiving pins of a pin connector of a backplane, wherein the connector is not electrically connected to a circuit board or circuit elements; a planar member (52) extending from the at least one connector. Lwee discloses substantially the claimed invention except for the receptacles. Seong teaches a cover (16) having receptacles (30) that are not electrically connected to a circuit board or circuit elements. This structure ensures correct alignment and prevents tampering of the pins. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the connector of Lwee with receptacles, as taught by Seong, to ensure correct alignment and prevent tampering of the pins.

Regarding claim 46, please note that the recitation that an element is "sufficient" to perform a given function is not a positive limitation but only requires that ability to so perform. In this case, the planar member of Lwee is sufficient to divide and separate (by being positioned between) the blades on a backplane.

Regarding claim 48, Lwee discloses the planar member being integral with the connector member.

Regarding claim 49, it would have been obvious to one of ordinary skill in the art at the time the invention was made form the receptacles arranged in conformance with one of various known standards, such as a CPCI standard.

Allowable Subject Matter

Claims 32-36, 38, 39 and 47 are allowed.

Response to Arguments

Applicant's arguments filed 10/13/2005 have been fully considered but they are not persuasive.

In response to Applicant's arguments that the extensions slip inside the header and thus are not clips that clip the cover to the pin connector of a backplane, please note that the extension help retain the cover in the header, thus meeting the definition of clip (i.e. to hold tightly).

In response to Applicant's arguments that Lwee does not disclose that element 52 being a handle, please note that the fact that Lwee does not expressly called element 52 a handle does not prevent such element from being one or performing as such. Please note that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from the prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham, 2 USPQ2d 1647 (1987)*.

In response to Applicant's arguments that the references cannot be combined, please note that the structure of Seong provides alignment and prevents tampering and/or further misalignment of the contacts. This is not achievable without the use of sockets, since in the device of Lwee the contacts can still be misaligned and the cover will not help alignment of the contacts.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (571) 272-2003. The examiner can normally be reached on Mon.-Fri., 10:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (571) 272-2800 Ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2833

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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THO D. TA
PRIMARY EXAMINER